

Court Procedures Manual of The United States Bankruptcy Court



**for
The Western District of Pennsylvania**

July 1, 2004

Court Procedures Manual

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PART I
GENERAL COURT PROCEDURES (GCP)

GCP #1 - DIVISION OF BUSINESS BETWEEN PITTSBURGH AND ERIE DIVISION

The Pittsburgh Division is comprised of the following counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington, Westmoreland, Bedford, Blair, Cambria, Indiana, Somerset and Clearfield.

The Erie Division is comprised of the following counties: Erie, Clarion, Elk, Jefferson, McKean, Warren, Crawford, Forest, Mercer and Venango.

GCP #2 - DUTY TO MAKE PAYMENTS, FILE TAX RETURNS, FILE REPORTS, AND PAY TAXES IN CHAPTER 11

A. Payments: The trustee or debtor-in-possession in a Chapter 11 case shall comply with these procedural guidelines:

1. Keep current and pay when due any debt which has arisen since the entry of the order for relief, including any debt arising from rentals or other money due on account of real estate leases; provided, however, that any debt for utility service shall be paid not later than the due date.

2. Submit by the end of the second business day after the payment of wages to employees, an accounting on IRS Form 10186 (Bankruptcy Federal Tax Deposit Accounting) and a certified or cashier's check in full payment of the employee's and employer's FICA (social security) taxes and the employee's income taxes accrued as a result of the payment of wages, to the IRS Insolvency Unit at the address listed on the Address Appendix.

3. Submit to the Pennsylvania Department of Revenue, Bankruptcy Division, at the address listed on the Address Appendix a certified or cashier's check in full payment of the following taxes in the manner hereafter set forth:

a. all Pennsylvania sales tax collected pursuant to § 72 P.S. § 7202 *et seq.* shall be remitted together with the proper tax returns, no later than the end of the fifth business day following the last day of each month in which such sales taxes were required to be collected; and

b. all employer withholding tax (personal income tax) withheld pursuant to § 72 P.S. § 7316 *et seq.* shall be remitted together with the proper tax returns, no later than the end of the second business day after the payment of wages to employees.

4. submit no later than the last day of the month following the end of the calendar quarter tax returns together with a certified or cashiers check in full payment of unemployment compensation employer taxes and, if required, employee contributions withheld, pursuant to 43 P.S. §785 and §781.4, to the Pennsylvania Department of Labor & Industry, Bureau of Employer Tax Operations, Bankruptcy & Compliance Unit at the address listed on the Address Appendix.

5. In the case of self-employed debtors, submit estimated federal income tax payments by April 15, June 15, September 15, and January 15 to the IRS Insolvency Unit at the address listed on the Address Appendix during the life of the Chapter 13 plan.

B. Reports in Chapter 11 Cases: The trustee or debtor-in-possession in a Chapter 11 case shall:

1. timely file all federal, state, and local tax returns with the applicable taxing bodies during the pendency of the bankruptcy case;
2. file copies of the most recent balance sheet and profit and loss statement of non-individual debtors with the Clerk;
3. annually file with the Clerk within ninety (90) days of the close of a non-individual debtor's fiscal year, an updated balance sheet and profit and loss statement;
4. file an initial statement of operations, including but not limited to a report of receipts and disbursements, accrued payables and accrued receivables, for the period commencing with the date of filing of the petition and ending with the last day of the month of the filing of the petition. The initial report shall be filed with the Clerk on or before the date first set for the meeting of creditors and shall include a statement of the name and location of each depository or place of investment holding funds of the estate, and the applicable account number or numbers; and
5. file monthly statements of operations for the preceding month with the Clerk no later than the fifteenth (15th) day of the next month, and serve copies on counsel, if any, for any appointed committee in a Chapter 11 case.

GCP #3 - SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS

A. Sale of Property

1. All sales not in the ordinary course of debtor's business shall be by motion, except where the seller also seeks:

(a) to determine the validity, priority, or extent of a lien or other interest in property, other than the avoidance of a lien or other transfer of property exempt under §522(f) of the Code, or

(b) to obtain approval pursuant to §363(h) of the Code for the sale of both the interest of the estate and of a co-owner in property.

In such excepted cases, the seller shall file an adversary and proceed by the adversary procedures including service of a summons set forth in Part VII of the Bankruptcy Rules and any Local Rules and procedures in effect in this District. A proposed order approving the sale shall be attached to the motion or complaint.

B. Before filing any motion for sale, the seller shall obtain from the appropriate Court personnel a sale hearing time and date which shall normally be a time and date on which the Court regularly hears motions. Provided, however, if the seller anticipates that the sale hearing will take more than a limited time the seller shall so notify the appropriate Court personnel and obtain a time and date which will allow sufficient time for the Court to dispose of the motion to sell property.

C. Responses and objections shall be filed and served at least seventeen (17) days prior to the sale hearing date. In addition to parties required to be served, responses and objections shall be filed on the initial offeror and counsel. The objecting party must attend the hearing or file and serve a notice of withdrawal of the objection at least two (2) business days prior to the hearing. Higher or better bids are not an objection to the motion.

D. If the property to be sold has an aggregate value of less than the value specified in Fed.R.Bankr.P. 6004 (d), notice by publication shall be at the discretion of the seller.

E. Notice Requirements

1. The seller shall send the Notice of Sale by first-class mail, or electronically to those parties who consent to receipt of electronic notice, to :

- (a) the debtor and debtor's counsel;
- (b) the trustee and trustee's counsel, if any;
- (c) all indenture trustees and their counsel, if any;
- (d) lien holders;
- (e) all creditors;
- (f) all committees appointed pursuant to the Code or to their authorized agents and their counsel, if any;
- (g) the United States as required by Fed.R.Bankr.P. 2002(j); and
- (h) the United States Trustee.

2. The debtor in possession or trustee may file a motion, served on all creditors and parties in interest, to establish a procedure for selling less than substantially all the assets of the estate or those assets of less than substantial value. The motion to establish sale procedure may provide that the notice of sale be served on a limited list of creditors and parties in interest. Each such list must be set forth with particularity in the motion to establish the sale procedure.

3. Addresses for Notice of Sale and Motions to Sell: Any notice required to be served under these procedures shall be addressed as directed in a request for notices filed with the Clerk but if a different address is stated in a proof of claim duly filed, that address shall be used; otherwise, to the address shown in the list of creditors in the schedules. Service may be made electronically if consent exists.

F. Conduct of Sale Not in The Ordinary Course of Business Pursuant to Fed.R.Bankr.P. 6004(f)

1. The Notice of Sale and publication of the Notice must contain the following information:

- (a) the case bankruptcy name and number and the adversary name and number or document number of the motion;
- (b) a brief description of the property to be sold (examples: personalty (Dodge Truck) or realty (123 First Street and deed book volume and page number));
- (c) the date, time and place of sale hearing;
- (d) the date by which objections to the sale must be filed and served;
- (e) a statement of the amount of the initial offer and that higher or better offers will be considered at the hearing;
- (f) the name, address, and telephone number of the person to contact for terms and conditions of sale or to examine the property; and
- (g) hand money requirements at the time of the hearing.

2. Publication: Notice of any proposed sale shall be advertised by the seller by publication once in a newspaper of general circulation in the county in which the property is located and in the Legal Journal of such county if one exists. The publication shall be made no more than twenty (20) nor less than five (5) calendar days before the scheduled date of sale.

3. Proofs of publication of the advertising must be filed when received by movant or representation made to the Court at the time of the sale hearing that publication was made and that proofs of publication will be filed when received by the movant.

4. Reports of Sale: An itemized Report of Sale shall be filed with the Court within five (5) calendar days of the date of consummation of the sale.

GC P#4 - PROCEDURES GOVERNING MEDIATION OF MATTERS IN BANKRUPTCY CASES

1.0 PRELIMINARY STATEMENT.

Litigation in bankruptcy cases frequently imposes significant economic and other burdens on parties and often delays resolution of disputes. Alternate dispute resolution procedures have the potential to reduce delay, cost, stress and other burdens often associated with litigation. Mediation, in particular, allows parties more active involvement in determining the resolution of their disputes. To provide a court-annexed alternate dispute resolution procedure, the court hereby adopts this Mediation Program for the Western District of Pennsylvania (the "Mediation Program").

2.0 ASSIGNMENT OF MATTERS TO MEDIATION.

The court may assign any matter deemed relevant to the Mediation Program *sua sponte*, upon written stipulation of the parties to the matter, or on motion of a party to the matter or the U.S. Trustee. Upon the motion of the mediator, a party to the mediation, or the U.S. Trustee, the court may order additional parties to participate in the mediation if the presence of the additional parties would be necessary or helpful to a successful mediation.

3.0 TYPES OF MATTERS SUBJECT TO MEDIATION.

The court may assign to mediation any dispute arising in an adversary proceeding, contested matter or otherwise in a bankruptcy case. FED.R.BANKR.P. 7016 hereby is made applicable to all matters in which mediation is requested in accordance with the Mediation Program.

4.0 EFFECT OF MEDIATION ON PENDING MATTERS.

The assignment of a matter to mediation does not relieve the parties to that matter from complying with any other court orders or applicable provisions of the United States Code, the Federal Rules of Bankruptcy Procedure, or the local rules of this court. The assignment to mediation does not delay or stay discovery, pretrial, hearing dates, or trial schedules.

5.0 THE MEDIATOR.

5.1 Register of Mediators/Mediation Program Administrator.

The Clerk of the Court shall establish and maintain a register of persons (the “Register”) qualified under this section 5.0 and designated by the court to serve as mediators in the Mediation Program. The Chief Bankruptcy Judge shall appoint a judge of this court to serve as the “Mediation Program Administrator.” Aided by a staff member of the court, the Mediation Program Administrator shall receive applications for designation to the Register, maintain the Register, track and compile reports on the Mediation Program, and otherwise administer the program.

5.2 Application and Certification of Mediators.

5.2.1 Application and Qualification Requirements.

Each applicant shall submit to the Mediation Program Administrator a statement of professional qualifications, experience, training and other information demonstrating, in the applicant’s opinion, why the applicant should be designated to the Register. The applicant shall submit the statement in the form attached hereto as Form A. The statement also shall set forth whether the applicant has been removed from any professional organization, or has resigned from any professional organization while an investigation into allegations of professional misconduct was pending, and the circumstances of such removal or resignation. This statement shall constitute an application for designation to the Mediation Program. Each applicant shall certify that the applicant has completed appropriate mediation training or has sufficient experience in the mediation process. Each applicant hereunder shall agree to accept at least one *pro bono* appointment per year. If after serving in a *pro bono* capacity insufficient Mediation Matters exist to allow for compensation, credit for *pro bono* service shall be carried into subsequent years in order to qualify the mediator to receive compensation for providing service as a mediator.

5.2.2 Court Certification.

The court in its sole and absolute determination on any basis shall grant or deny an application submitted pursuant to subsection 5.2.1 of this General Order. If the court grants the application, the applicant’s name shall be added to the Register, subject to removal pursuant to subsection 5.4. of this General Order.

5.2.3 Reaffirmation of Qualifications.

Each applicant accepted for designation to the Register shall reaffirm annually the continued existence and accuracy of the qualifications, statements and representations made in the application.

5.3 Mediator’s Oath.

Before serving as a mediator, each person designated as a mediator shall take the following oath or affirmation:

“I, _____, do solemnly swear (or affirm) that I will faithfully and impartially discharge and preform all the duties incumbent upon me as a Mediator in the Mediation Program of the U.S. Bankruptcy Court for the Western District of Pennsylvania without respect to persons and will do so equally with respect to the poor and to the rich.”

5.4 Removal from Register.

A person shall be removed from the Register either at the person’s request or by court order entered on the sole and absolute determination of the court. If removed by court order, the person shall be eligible to file an application for reinstatement after one year.

6.0 APPOINTMENT OF A MEDIATOR.

6.1 Appointment by Court.

Upon assignment of a matter to mediation and unless special circumstances exist as determined by the court, the parties shall select a mediator and an alternate mediator from a listing of three (3) mediators from the register selected by the court. If the parties fail to make such selection within the time frame as set by the court, then the court shall appoint a Mediator and alternate Mediator.

6.2 Inability of Mediator to Serve.

If the mediator is unable or elects not to serve, the mediator shall file and serve on all parties to the mediation and on the alternate mediator, within seven calendar days after receipt of notice of appointment, a notice of inability to accept the appointment. The alternate mediator then shall become the mediator, if the alternate does not file and serve on all parties to the mediation a notice of inability or election not to accept the appointment within seven calendar days after receipt of the original mediator’s notice of inability to accept the appointment. If neither the mediator nor the alternate mediator can serve, the court shall appoint another mediator and alternate mediator.

6.3. Disqualification of Mediator.

6.3.1 Disqualifying Events.

Any person selected as a mediator may be disqualified for bias or prejudice in the same manner that a judge may be disqualified under 28 U.S.C. §144. Any person selected as a mediator shall be disqualified in any matter where 28 U.S.C. §455 would require disqualification if that person were a judge.

6.3.2 Inquiry by Mediator; Disclosure.

Promptly after receiving notice of appointment, the mediator shall make inquiry sufficient to determine whether there is a basis for disqualification under subsection 6.3.1. of the General Order. The inquiry shall include, but shall not be limited to, a search for conflicts of interests in the manner prescribed by the applicable rules of professional conduct for attorney mediators, and by the applicable rules pertaining to the mediator’s profession for non-attorney mediators. Within seven calendar days after receiving notice of appointment, the mediator shall file with the court and serve on the parties to the mediation either (a) a statement that there is no basis for disqualification under subsection 6.3.1 and that the mediator has no actual potential conflict of interest or (b) a notice of withdrawal.

6.3.3 Objection Based on Conflict of Interest.

A party to the mediation who believes that the assigned mediator and/or the alternate mediator has a conflict of interest promptly shall bring the issue to the attention of the mediator and/or the alternate mediator, as applicable, and to the other parties to the mediation. If the mediator does not withdraw, and the movant is dissatisfied with this decision, the issue shall be brought to the court's attention by the mediator or any of the parties to the mediation. The court shall take such action as the court deems necessary or appropriate to resolve the alleged conflict of interest.

6.4 Mediator's Liability.

Aside from proof of actual fraud or unethical conduct, there shall be no liability on the part of, and no cause of action shall arise against, any person who is appointed as a mediator pursuant to this General Order on account of any act or omission in the course and scope of such person's duties as a mediator.

7.0 COMPENSATION.

7.1 Compensation of Mediator.

Before a party will be eligible to be a paid mediator, that person must have fulfilled the pro bono requirement. Once eligible to serve as a mediator for compensation, which shall be at reasonable rates and subject to judicial review, the mediator may require compensation or reimbursement of expenses as agreed by the parties to the mediation. Prior court approval shall also be required if the estate is to be charged. If the mediator consents to serve without compensation, and, at the conclusion of the first full day of the mediation conference it is determined by the mediator and the parties to the mediation that additional time will be both necessary and productive in order to complete the mediation, then:

- (1) If the mediator consents to continue to serve without compensation, the parties to the mediation may agree to continue the mediation conference; and
- (2) If the mediator does not consent to continue to serve without compensation, the mediator's fees and expenses shall be on such terms as are satisfactory to the mediator and the parties to the mediation, subject to court approval.

Where the parties have agreed to pay mediation fees and expenses, they shall share equally all such fees and expenses unless the parties to the mediation agree to some other allocation. The court may, in the interest of justice, determine a different allocation.

7.2 Party Unable to Afford Mediator.

If the court determines that a party to a matter assigned to mediation cannot afford to pay the fees and costs of the mediator, the court may appoint a mediator to serve *pro bono* as to that party.

8.0 THE MEDIATION.

8.1 Time and Place of Mediation Conference.

After consulting with all counsel and *pro se* parties, the mediator shall schedule a convenient time and place for the mediation conference, and promptly give all counsel and *pro se* parties at least 14 calendar days written notice of the time and place of the mediation conference. The mediator shall schedule the mediation to begin as soon as practicable.

8.2 Submission Materials.

Not less than seven calendar days before the mediation conference, each party shall submit

directly to the mediator, and serve on all counsel and *pro se* parties, any materials the mediator directs to be prepared or assembled. The mediator shall so direct not less than 14 calendar days before the mediation conference. Prior to the mediation conference, the mediator may talk with the participants to determine what materials would be helpful. The submissions shall not be filed with the court and the court shall not have access to them. The mediator may receive in camera submissions if all parties consent.

8.3 Attendance at Mediation Conference.

8.3.1 Persons Required to Attend.

The following persons personally must attend the mediation conference:

- (1) Each party that is a natural person;
- (2) If the party is not a natural person, including a governmental entity, a representative who is not the party's attorney of record and who has full authority to negotiate and settle the matter on behalf of the party;
- (3) If the party is a governmental entity that requires settlement approval by an elected official or legislative body, a representative who has authority to recommend a settlement to the elected official or legislative body;
- (4) the attorney who has primary responsibility for each party's case; and
- (5) Other interested parties such as insurers or indemnitors or one or more of their representatives, whose presence is necessary for a full resolution of the matter assigned to mediation.

8.3.2 Excuse.

A person required to attend the mediation is excused from appearing if all parties and the mediator agree that the person need not attend. The court for cause may excuse a person's attendance.

8.3.3 Failure to Attend.

Willful failure to attend any mediation conference, and any other material violation of this General Order, shall be reported to the court by the mediator and may result in the imposition of sanctions by the court. Any such report of the mediator shall comply with the confidentiality requirement of section 9.1 of this General Order.

8.4 Mediation Conference Procedures.

The mediator may establish procedures for the mediation conference.

9.0 CONFIDENTIALITY OF MEDIATION PROCEEDINGS.

9.1 Protection of Information Disclosed at Mediation.

The mediator and the participants in mediation are prohibited from divulging, outside of the mediation, any oral or written information disclosed by the parties or by witnesses in the course of the mediation. No person may rely on or introduce as evidence in any arbitral, judicial, or other proceedings, evidence pertaining to any aspect of the mediation effort, including but not limited to:

- (a) views expressed or suggestions made by a party with respect to a possible settlement of the dispute;

- (b) the fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator;
- (c) proposals made or views expressed by the mediator;
- (d) statements or admissions made by a party in the course of the mediation; and
- (e) documents prepared for the purpose of, in the course of, or pursuant to the mediation.

In addition, without limiting the foregoing, Rule 408 of the Federal Rules of Evidence and any applicable federal or state statute, rule, common law or judicial precedent relating to the privileged nature of settlement discussions, mediation or other alternative dispute resolution procedure shall apply.

Information otherwise discoverable or admissible in evidence, however, does not become exempt from discovery, or inadmissible in evidence, merely by being used by a party in a mediation.

9.2 Discovery from Mediator.

The mediator shall not be compelled to disclose to the court or to any person outside the mediation conference any of the records, reports, summaries, notes, communications or other documents received or made by a mediator while serving in such capacity. The mediator shall not testify or be compelled to testify in regard to the mediation in connection with any arbitral, judicial, or other proceeding. The mediator shall not be a necessary party in any proceedings relating to the mediation.

Nothing contained in this subsection shall prevent the mediator from reporting the status, but not the substance, of the mediation effort to the court in writing, from filing a final report as required by subsection 10.1, or from complying with the obligations set forth in section 11.0.

9.3 Protection of Proprietary Information and in camera submissions.

The parties, the mediator, and all mediation participants shall protect proprietary information and in camera submissions.

9.4 Preservation of Privileges

The disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information.

10.0 RECOMMENDATIONS BY MEDIATOR.

The mediator is not required to prepare written comments or recommendations to the parties. Mediators may present a written settlement recommendation memorandum to attorneys or *pro se* litigants, but not to the court.

11.0 POST MEDIATION PROCEDURES.

11.1 Preparation of Orders.

If a settlement is reached at a mediation, a party designated by the mediator shall submit a fully executed stipulation and proposed order to the court within twenty calendar days after the end of the mediation. If the party fails to prepare the stipulation and order, the court may impose appropriate sanctions.

11.2 Mediator's Certificate of Completion

Promptly after the mediation conference, the mediator shall file with the court, and serve on the parties and the Mediation Program Administrator, a certificate in the form provided by the court showing compliance or noncompliance with the mediation conference requirements of this General Order and whether or not a settlement has been reached. Regardless of the outcome of the mediation conference, the mediator shall not provide the court with any details of the substance of the conference.

11.3 Mediator's Report.

In order to assist the Mediation Program Administrator in compiling useful data to evaluate the Mediation Program, and to aid the court in assessing the efforts of the members of the Register, the mediator shall provide the Mediation Program Administrator with an estimate of the number of hours spent in the mediation conference and other statistical and evaluative information on a form provided by the court. The mediator shall provide this report whether or not the mediation conference results in settlement.

12.0 WITHDRAWAL FROM MEDIATION.

Any matter assigned to mediation may be withdrawn from mediation by the court at any time.

13.0 TERMINATION OF MEDIATION.

Upon the filing of a mediator's certificate pursuant to subsection 11.2 or the entry of an order withdrawing a matter from mediation pursuant to section 12.0, the mediation will be deemed terminated, and the mediator excused and relieved from further responsibilities in the matter without further court order. If the mediation conference does not result in a resolution of all of the disputes in the assigned matter, the matter shall proceed to trial or hearing pursuant to the court's scheduling orders.

14.0 OTHER ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

Nothing contained herein is intended to prevent or discourage the parties from employing any other method of alternative dispute resolution.

GCP #5 - REQUESTS FOR TRANSCRIPTS - PITTSBURGH

A. Form of Request: Parties may request transcripts or an audio recording on cassette or compact disk by either filing a transcript request with the Clerk on a form available from the Clerk and the Court's web site or by verbal request made to an Electronic Court Reporter Operator ("ECRO"). If a verbal request is made, the party requesting the transcript must also provide the ECRO with a written request containing the details of the request and payment as described below before the request will be processed.

B. If the request is in connection with an appeal, Local Rule 8006-1 also must be adhered to.

C. Contents of Request: The requesting party shall provide the ECRO with:

1. the name of the case,
2. the bankruptcy and motion or adversary numbers,

3. the date of the hearing,
4. the name of the Judge who heard the matter, and
5. the requesting party's name, telephone number, and mailing address and/or e-mail address and/or fax number.

D. Payment: The ECRO shall estimate the cost of the transcript and the party requesting the transcript shall provide appropriate payment before the transcript request is processed. Checks written on a firm's business account will be accepted. Pro se litigants must submit payment by money order or certified or cashiers check.

E. Release of Transcript to Requesting Party: When the completed transcript is received by the ECRO, the ECRO shall notify the requesting party that the transcript is available and shall notify the requesting party whether the actual cost of the transcript exceeded the estimate. If the actual cost of the transcript exceeded the estimate, the transcript will not be released until the additional payment is made. If the actual cost is less than the amount paid, the excess amount will be refunded.

F. Expedited Transcripts: If the requesting party wants an expedited transcript the requesting party shall notify the ECRO at the time the transcript is ordered. There is extra cost associated with expedited transcripts.

GCP #6 - EXCLUSION OF PERSONAL DATA IDENTIFIERS

In compliance with the policy of the Judicial Conference of the United States, and the Egovernment Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms.

A. Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

B. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents (i.e., son, age 6).

C. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.

D. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

Explanatory Comment

In September 2001, the Judicial Conference of the United States adopted a policy regarding privacy and public access to electronic case files (the privacy policy). This rule furthers the Judicial Conference's policy.

In addition, the Judicial Conference Committee on Court Administration and Case Management has recommended that filers exercise caution when filing documents that contain the following:

- 1) any personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

GCP #7 - Government Proof of Claim Deadline Date

The Clerk shall set a government deadline for filing proofs of claim in each bankruptcy case filed in the Western District of Pennsylvania. The deadline will be included on the docket of the case. When proofs of claim are required to be filed in the case, parties in interest will be notified of the bar date in the notice that sets the date of the section 341 meeting (i.e., the first meeting of creditors).

The government proof of claim date shall not be modified when a case is converted to a different Chapter of the Bankruptcy Code. Governmental entities shall file proofs of claim within the greater of 180 days from the date the order for relief was first entered in the case or the proof of claim deadline date set for other creditors after the conversion.

The government proof of claim date shall not be modified when the Chapter 7 Trustee files a Notice of Assets and the Clerk notifies parties to file claims. Governmental entities shall file proofs of claim within the greater of 180 days from the date the order for relief was first entered in the case or the proof of claim deadline date set for other creditors by the Clerk.

GCP #8 - Documents Filed on Disk or Paper

Electronic Filing is mandatory in the Bankruptcy Court for the Western District of Pennsylvania pursuant to Interim Local Rule 5005-1.

The Clerk shall accept documents filed on disk in a Portable Document Format (PDF). Submission of documents on disk or scanned in the Clerk's Office constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court. The Clerk shall make a document scanner available in the Clerk's Office. Paper documents prepared or submitted for filing by attorneys must be scanned by an attorney or his agent (the "filing

attorney”) at the Clerk’s Office.

Documents that require original signatures must be maintained in paper form by the filing party until six (6) years after all time periods for appeals expire and all appeals have been concluded. On request of the Court or party in interest, the filing party must provide the original documents for review. Failure to maintain documents for the specified period shall subject the Filing User to sanctions including, without limitation, disgorgement of fees. This requirement also applies to any document for which statute, rule, or court order requires an original signature.

The Clerk shall transfer documents submitted by disk or scanned by the filing attorney into the CM/ECF system and make a corresponding docket entry. The date of filing shall be the date the disk or scanned document is received by the Clerk. The official record is the electronic recording of the document as stored on the CM/ECF system. The Clerk shall discard the disk.

Exhibits and other attachments to pleadings shall not exceed ten pages in length. Exhibits attached to the following pleadings are not subject to the ten page limitation: Application for Compensation and Reimbursement, Trustee’s Final Report and Account, Plan of Reorganization, and Disclosure Statement. A summary not exceeding ten pages may be filed for exhibits and attachments. In lieu of the summary or in lieu of the entire document, a one page Document and Loan History Abstract conforming to Local Form No. 28 shall be filed. All abstracts, exhibits and exhibit summaries must be filed as separate documents. The party filing a pleading containing a summary of an exhibit or the Document and Loan History Abstract shall have a paper copy of the entire document at any hearing that is reasonably expected to pertain to the pleading. The party filing a pleading containing a summary or abstract shall, upon request of any party in interest, provide a copy of the entire exhibit.

Filing Attorneys shall comply with the Clerk’s Procedures for Scanning Documents. Bankruptcy petitions scanned at the Clerk’s Office shall be accompanied by a mailing matrix on disk that complies with the Clerk’s Special Requirements for Mailing Matrixes.

Documents on disks must be filed in a Portable Document Format (PDF). Documents must be filed in a format that allows the Court to perform a full text search, except that documents received by the filing party from an outside source may be scanned into a PDF format and filed as a document that will not be fully text searchable. For example, a motion drafted by the filing attorney must be fully text searchable, but attachments to the motion such as mortgages, deeds, and other supporting documentation provided to the attorney by his client may be scanned.

Only matters pertaining to one bankruptcy case or adversary proceeding shall be filed on a disk. Bankruptcy petition documents on disk shall be filed on one disk as separate PDF files as follows: (A) one PDF file containing the petition together with schedules, statements, and the Attorney Fee Disclosure Statement, if any; (B) one PDF file containing the Chapter 13 Plan, if any; (C) one text file containing the names and addresses of creditors and other parties in interest filed in compliance with the Clerk’s Special Requirements for Mailing Matrixes.

Documents filed on disk that require signatures must include the typed name of the signatory preceded by “/s/” in the space where the signature would otherwise appear.

When a document that requires signatures from more than one party is filed on a disk, the document bearing all the necessary signatures: (1) may be scanned; (2) may be filed in a PDF format provided that the filing user certifies that all parties whose signatures are required have

consented to the document and endorsed the filing; or (3) in any other manner approved by the Court. Local Form No. 26, Certification of Counsel, must be filed with the document attached.

Orders must be filed as a separate PDF document when a motion, application, objection or other request for relief is filed on disk or scanned at the Clerk's Office.

A Certificate of Service filed as part of a motion, application, objection or other request for relief should be filed as part of the motion in one PDF document.

The signature of the debtor(s) authorizing the filing of the bankruptcy case shall be accomplished by filing an original executed paper version of the DECLARATION RE: ELECTRONIC FILING, Local Form No. 1, at the time the petition is filed. Both debtors must sign the authorization when a joint petition is filed. The petition may be dismissed if the declaration is not filed.

Submission of the bankruptcy petition, schedules and statements in accordance with this court procedure shall be deemed in compliance with the electronic case filing procedures referenced in Local Form #1.

In accordance with Local Rule 5005-3, only paper documents shall be filed when the court has approved filing the document under seal. The paper documents which have been placed under seal shall be delivered to the Clerk. The sealed documents will not be scanned into the CM/ECF system. The Clerk will retain the paper documents according to the Court's retention policy.

GCP #9 - Dismissal for Failure to Submit Local Form No. 1

A bankruptcy case shall be dismissed pursuant to Local Rule 1017-2, Dismissal of Bankruptcy Case for Deficient Filing, if Local Form No. 1, the Declaration of Electronic Filing, is not submitted within 15 days of the date the petition is filed. At any time before the date set for entry of an order of dismissal, the debtor (1) may file a motion requesting a hearing at which debtor shall show cause why the case should not be dismissed for failure to file Local Form No. 1 or (2) may file a motion and proposed order seeking an extension of time.

PART II.
ELECTRONIC CASE FILING
PROCEDURES (ECF)

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ECF Procedures

Adopted By the Court Pursuant to Local Rule 5005-1

- Procedure #1 - Scope of Electronic Filing**
- Procedure #2 - Eligibility, Registration, Passwords**
- Procedure #3 - Consequences of Electronic Filing**
- Procedure #4 - Entry of Court Orders**
- Procedure #5 - Attachments and Exhibits**
- Procedure #6 - Sealed Documents**
- Procedure #7 - Retention Requirements**
- Procedure #8 - Signatures**
- Procedure #9 - Service of Documents by Electronic Means**
- Procedure #10 - Notice of Court Orders and Judgments**
- Procedure #11 - Technical Failures**
- Procedure #12 - Public Access**
- Procedure #13 - PDF Files with Full Search Capability**
- Procedure #14 - CM/ECF Accounts for a Limited Purpose**

ECF Procedure #1- Scope of Electronic Filing

These procedures use the term "Electronic Filing System" or "ECF System" to refer to the Court's system that receives documents filed in electronic form. The term "Filing User" is used to refer to those who have a Court-issued log-in and password to file documents electronically.

Except as otherwise provided by Order of Court, all cases and pleadings will be assigned to the Electronic Filing System. Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in connection with a case assigned to the Electronic Filing System must be electronically filed.

A paper copy of a motion for expedited hearing or an application for a temporary restraining order and any response shall be delivered to chambers. The front page of the pleading shall note that it is a courtesy copy. The filing party may call chambers to arrange for alternative transmission of the document.

In Chapter 7 cases, a paper copy of the voluntary bankruptcy petition, schedules and statements must be delivered by debtor's attorney to the Chapter 7 trustee no more than five business days after the documents are electronically filed with the Court.

Attorneys and others who are not Filing Users in the Electronic Filing System are required to electronically file pleadings and other papers in a case assigned to the System. Once registered, a Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk's Office with written notice of the withdrawal.

The Clerk shall provide reasonable alternative access during regular business hours for those who are not Filing Users to allow such persons to file documents electronically.

ECF Procedure #2 - Eligibility, Registration, Passwords

Attorneys admitted to the bar of this Court (including those admitted pro hac vice), United States trustees and their assistants, private trustees, and others as the Court deems appropriate, may register as Filing Users of the Court's Electronic Filing System. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court.

If the Court in a particular case permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Registration as a Filing User constitutes, in any case in which the Filing User has entered an appearance: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Federal Rule of Bankruptcy Procedure 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

ECF Procedure #3 - Consequences of Electronic Filing

Once received, electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed.R.Bankr.P. 5003.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents filed first in paper form and subsequently submitted electronically under ECF Procedure #1, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

Filing a document electronically does not alter the filing deadline for that document. Unless otherwise ordered, filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

ECF Procedure #4 - Entry of Court Orders

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these Procedures and the Local Rules, which will constitute entry on the docket kept by the Clerk under Federal Rules of Bankruptcy Procedure 5003 and 9021. All signed orders will be filed electronically by the Court or court personnel. Any order filed electronically without the original signature of a Judge has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User submitting a document electronically that requires a Judge's signature must promptly deliver the document in such form as the Court requires. Orders must be filed in compliance with the requirements specified by the Judge assigned the bankruptcy case or adversary proceeding. These requirements are published on the Court's Website at each Judge's web page.

ECF Procedure #5 - Attachments and Exhibits

Exhibits and other attachments to pleadings shall not exceed ten pages in length. A summary not exceeding ten pages may be filed for exhibits and attachments that are more than ten pages in length. In lieu of the summary or in lieu of the entire document, a one page Document and Loan History Abstract, Local Form No. 28. All abstracts, exhibits and exhibit summaries must be electronically filed, each as a separate attachment, to the docket entry to which they refer.

Attachments shall be filed as separate PDF files. Attachments shall include the case name and number and a brief description of the main document to which it relates at the top of the first page of the attachment. If the first page of the attachment does not have enough space available to include the case name and number and a brief description of the main document, then a cover sheet listing that information must be filed as the front page of the attachment.

Exhibits attached to the following pleadings are not subject to the ten page limitation: Application for Compensation and Reimbursement, Trustee's Final Report and Account, Plan of Reorganization, and Disclosure Statement.

The party filing a pleading containing a summary of an exhibit or the Document and Loan History Abstract shall have a paper copy of the entire document at any hearing that is reasonably expected to pertain to the pleading. The party filing a pleading containing a summary or abstract shall, upon request of any party in interest, provide a copy of the entire exhibit. The copy may be provided in electronic format.

ECF Procedure #6 - Sealed Documents

Documents ordered to be filed under seal must be filed as a paper document, not electronically, unless specifically authorized by the Court. A motion to file documents under seal should not contain confidential or privileged information and shall be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal shall be filed electronically unless prohibited by law. A paper copy of the order authorizing the filing of documents under seal must be attached to the documents under seal and be delivered to the Clerk. Local Rule 5005-3 shall be followed when filing documents under seal.

In connection with the filing of any material in an action assigned to the Electronic Filing System, and subject to Procedures, Rules, Orders or statutes concerning the filing of documents under seal,

any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests. If the Court determines that access should be limited to certain matters, the Order (or a Notice thereof) shall be filed electronically.

ECF Procedure #7- Paper Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User, such as the debtor, corporate officers, etc., must be maintained in paper form by the Filing User for six (6) years from the date of filing. Failure to maintain documents for the specified period shall subject the Filing User to sanctions including, without limitation, disgorgement of fees. On request of the Court, the Filing User must provide original documents for review.

This requirement also applies to any document for which statute, rule, or court order requires an original signature. The signature of the debtor(s) authorizing the electronic filing of the bankruptcy case shall be accomplished by filing an original executed paper version of the DECLARATION RE: ELECTRONIC FILING, Local Form No. 1, within 15 days of the electronic filing of the petition. Both debtors must sign the authorization when a joint petition is filed.

The attorney representing the debtor must notify the Court forthwith if the debtor(s) fails to sign the declaration. The case shall be dismissed without prejudice when the Court is notified that the debtor has failed to sign the affidavit or when the affidavit is not filed within fifteen (15) days of the date the petition is filed.

ECF Procedure #8 - Signatures

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed.R.Bankr.P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

Electronically filed documents must comply with Fed.R.Bankr.P. 9011 and set forth the name, address, telephone number and the attorney's state bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Failure to comply with these requirements may result in the Court striking the unsigned document from the record.

No Filing User or other entity may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

When a document that requires signatures from more than one party is filed electronically, the document bearing all the necessary signatures: (1) may be scanned; (2) may be filed in a PDF format provided that the filing user certifies that all parties whose signatures are required have consented to the document and endorsed the filing; or (3) in any other manner approved by the Court. Local Form No. 26, Certification of Counsel, must be filed with the document attached.

An attorney's password and login may be revoked by the Court.

ECF Procedure # 9 – Service of Documents by Electronic Means

A. Requirement of Service of Notice that Pleading Has Been Filed: Each entity electronically filing a pleading or other document must serve all parties in interest with the Notice of Electronic Filing issued to the Filing User by the ECF system.

B. Electronic Notice of Filing: Electronic transmission of the Notice of Electronic Filing constitutes service of the filed document and notice that it has been filed.

C. Service by Other Means: The Filing User must serve parties in interest who have not received an electronic copy of the Notice of Electronic Filing in accordance with the Federal Rules of Bankruptcy Procedure. Such service must include the Notice of Electronic Filing and a copy of the document which was filed.

ECF Procedure #10 – Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The Clerk or such other person as the Court or rules may direct must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Bankruptcy Procedure.

ECF Procedure #11 - Technical Failures

A. A Filing User whose filing is made untimely as a result of a technical failure may seek appropriate relief from the Court.

B. Confirmation that ECF System is Inaccessible: If a Filing User is unable to access the ECF System due to technical inaccessibility resulting from a technical failure of the ECF system itself or the Court's server, the filing party must:

1. First obtain confirmation from the Clerk's Office that the ECF system is inaccessible.
2. Then contact the Courtroom Deputy of the Judge to whom the case is assigned and state the reason why an immediate filing is necessary. The Courtroom Deputy will advise the filing party whether filing should be made by other means.

ECF Procedure #12 - Public Access

Any person or organization may access the Electronic Filing System through the Court's Internet site <http://pawb.uscourts.gov> by obtaining a PACER log-in and password. Anyone who has PACER access but who is not registered as a Filing User under these Procedures may retrieve docket sheets and documents but may not file documents.

Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.

ECF Procedure #13 - PDF Files with Full Text Search Capability

All documents filed electronically using the Court's Case Management/Electronic Case Filing System (CM/ECF) must be filed in a Portable Document Format (PDF). Documents must be filed in a format that allows the Court to perform a full text search, except that documents received by the filing party from an outside source may be scanned into a PDF format and filed as a document that will not be fully text searchable.

ECFG Procedure # 14 - CM/ECF Accounts for a Limited Purpose

A password may be issued for the limited purpose of filing proofs of claim, notice requests, withdrawal of claims transfers of claims, and/or objections to transfer of claim on CM/ECF (a "limited password"). However, to be eligible for a limited password the applicant must be registered as a CM/ECF participant in another district or attend CM/ECF training provided by the Clerk. Parties who are not attorneys may receive a limited password.

A party's use of the limited password for filing proofs of claim, notice requests, withdrawal of claims transfers of claims, and/or objections to transfer of claim (the "Limited Filing User") on CM/ECF constitutes the Limited Filing Users signature on any document filed electronically. All documents filed by the Limited Filing User and all documents bearing the imaged signature of any signer on whose behalf the documents are filed must be maintained in accordance with ECF Procedure # 7. Limited Filing Users may only file documents signed by the Limited Filing User or a member of the firm employing the Limited Filing User (the "Firm").

The Limited Filing User and a representative of the Firm must complete a Limited Filing User Registration Form and Agreement in order to receive a limited password. The Limited Filing User must complete an evaluation with the Clerk prior to obtaining a login and password to CM/ECF. The Firm is responsible for electronic filings made by the Limited Filing User.

Except as otherwise specified in this Procedure, a Limited Filing User and his Firm must follow the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, local rules, forms, and procedures promulgated by the United States Bankruptcy Court for the Western District of Pennsylvania when filing electronically.

When filing a proof of claim, the Limited Filing User must add the correct mailing address to the creditor matrix if the current address is incorrect.

A transfer of a claim for which a proof of claim has been filed shall state the claim number, as shown in the Claims Register, for the transferred claim. A transfer of claim shall be filed in accordance with the Clerk's Procedures. If a proof of claim has not been filed by the transferor, please note that on the transfer of claim.

The Limited Filing User shall file documents on behalf of a third party only with the express authorization of the entity on whose behalf the document is being filed.

When the Limited Filing User signs the document, the name of the Limited User under whose login and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear on a document. The Limited Filing User must comply with the signature requirements of ECF Procedure # 8.

By using the limited login and password, the Limited Filing User is certifying that: (A) the Limited Filing User is authorized to file the document(s) on behalf of the Firm; (B) the Firm is the same entity stated on the Limited Filing User's application to use CM/ECF; (C) the Firm has the authority to file documents as an agent when filing documents on behalf of an entity other than the Firm.

The Limited Filing User and a representative of the Firm must notify the Clerk immediately when the Limited Filing User is no longer an employee of the Firm, ceases being an agent of the Firm, or no longer has authority to file documents on the Firm's behalf.

The Limited Filing User shall not receive electronic notification of documents and docket activity.

The Limited Filing User and Firm must provide two additional contacts in the event the Limited Filing User is not available to communicate with the Clerk on filing issues.

The Clerk may terminate the Limited Filing User's login and password without prior notice when the Clerk deems such action necessary.

Part III - Chapter 13 Procedures

Chapter 13 Procedures

- Procedure #1 - Duty to Make Payments and File Reports
- Procedure #2 - Claims
- Procedure #3 - Fee Applications in Chapter 13 Cases
- Procedure #4 - Distribution Under Plans and Objections to Claims
- Procedure #5 - Additional Requirements
- Procedure #6 - Motions to Dismiss or Convert
- Procedure #7 - Postconfirmation Matters
- Procedure #8 - Pleading Special Matters in Motions
- Procedure #9 - Notice of Monthly Payment Changes
- Procedure #10 - Proofs of Assignment-Secured and Priority Claims
- Procedure #11 - Service on Chapter 13 Trustee
- Procedure #12 - Continued Conciliation Conferences
- Procedure #13 - Wage Order in Chapter 13 Cases

Chapter 13 Procedure #1 - Duty to Make Payments and File Reports

A. Payments

1. Plan payments must begin within thirty (30) days after the plan's original due date. Any extension of time granted by the Court for filing of the plan shall not also constitute an automatic extension of time for the submission of payments to the Chapter 13 Trustee. In the event that no plan has been filed within the time approved by the Court, the case will be dismissed and, if the debtor has not made provisions for payment to the Chapter 13 Trustee, the case will be dismissed.
2. Payments shall be made to the Chapter 13 Trustee in the form of a money order, cashier's check, check drawn on an attorney's trust account, or by wage attachment. Automated funds transfers may be approved by the Court in special circumstances.
3. The Chapter 13 Trustee shall commence payments to creditors before confirmation when ordered by the Court. In the event a plan is not confirmed, the Chapter 13 Trustee shall retain an administrative fee of twenty-five dollars (\$25.00) or the U.S. Trustee's prevailing percentage fee, whichever is greater, for payment to the Chapter 13 Fee and Expense Fund, in payment for the costs incurred in administering the case. This amount may be adjusted by the Court in unusual cases.

B. The Debtor engaged in business in a Chapter 13 case shall:

1. keep current and pay when due any debt which has arisen since the entry of the order for relief, including any debt for rent of any real or personal property or for utility bills;
2. submit by the end of the second business day after the payment of wages to employees an accounting on IRS Form 10186 (Bankruptcy Federal Tax Deposit Accounting) and a certified or cashier's check in full payment of the employee's and employer's FICA (Social Security) taxes and the employee's income taxes accrued as a result of the payment of wages to the IRS Insolvency Unit at the address listed on the Address Appendix;
3. submit to the local office of the Department of Revenue of the Commonwealth of Pennsylvania a certified or cashier's check in full payment of the following taxes as follows:
 - (a) all Pennsylvania sales tax collected pursuant to 72 P.S. §7202 et seq. shall be remitted together with the proper tax returns no later than the end of the fifth business day following the last day

of each month in which such sales taxes were required to be collected; and

(b) all employer withholding tax (personal income tax) withheld pursuant to 72 P.S. §7316 et seq. shall be remitted together with the proper tax returns no later than the end of the second business day after the payment of wages to employees;

4. submit no later than the last day of the month following the end of the quarter to the local office of the Field Accounting Service of the Commonwealth of Pennsylvania, Department of Labor and Industry, Office of Employment Security, in accordance with the filing and payment provisions of the Pennsylvania Unemployment Compensation Law, 43 P.S. §781.4, §784 and §785, tax returns together with a certified or cashier's check in full payment of the following taxes:

(a) employer contributions due pursuant to §305 of the Pennsylvania Unemployment Compensation Law, 43 P.S. §785; and

(b) employee contributions withheld pursuant to §301.4 of the Pennsylvania Unemployment Compensation Law, 43 P.S. §781.4.

C. Reports in Chapter 13 Cases

A Chapter 13 debtor engaged in business shall:

1. timely file all federal, state, and local tax returns with the applicable taxing bodies during the pendency of the bankruptcy case;
2. serve on the Chapter 13 Trustee a Chapter Business Case Questionnaire on a form substantially in compliance with Local Form No. 5 at least fifteen (15) days prior to the first date set for the meeting of creditors;
3. serve on the Chapter 13 Trustee and others as ordered by the Court a report of operations no later than the fifteenth day of the month covering the preceding month. The monthly reports of operations shall not be filed with the Court.

D. Contents of Reports

1. The initial report of operations shall include a statement of the name and location of each depository or place of investment holding funds of the estate and the applicable account number(s).
2. In addition to the information required by Fed.R.Bankr.P. 2015, all statements of operations shall contain a cumulative list of all debts which have arisen since the order for relief was entered.

Procedure #2 - Claims

1. The creditor's account number must be conspicuously stated on the claim form.
2. A claim filed by a secured creditor shall identify the collateral. A holder of a claim secured by the debtor's personal residence must separately state the following: arrearage, late fees, attorney's fees and foreclosure costs incurred through the date of filing of the debtor's bankruptcy petition, principal balance, applicable interest rate and amount of the regular monthly payment. Any postpetition arrearage must be separately stated and itemized.
3. All claims arising out of the rejection of executory contracts must be filed and served on the Chapter 13 Trustee and the debtor or debtor's attorney, if represented, by the later of the claims bar date or

thirty (30) days after the date of rejection. Executory contracts may be rejected in the confirmed plan.

4. No deficiency shall be paid to a creditor following the consensual relinquishment of collateral unless the creditor files and serves on the Chapter 13 Trustee, the debtor and debtor's attorney, if represented, a notice of intention to collect a deficiency within thirty (30) days after the effective date of the surrender.

5. If an amended proof of claim is filed after the deadline for filing claims such claim must be served by the creditor on the Chapter 13 Trustee and the debtor and debtor's attorney, if represented. All objections to the amended proof of claim must be filed and served within seventeen (17) days after service.

Procedure #3 - Fee Applications in Chapter 13 cases

The maximum fee for Chapter 13 cases is presumed to be \$2,000. The maximum fee may be adjusted by the Court periodically. Whenever debtor's counsel fees exceed the \$2,000 limit (plus filing fees), the Court will require a fee application in accordance with the Court Procedures Manual. The \$2000 maximum fee includes any retainer received.

The \$2,000 limit contemplates that the debtor(s) will be interviewed by an attorney, that accurate and complete schedules will be prepared, that the debtor(s) will be briefed on the Chapter 13 process, that all documents will be explained and that the attorney will file a Chapter 13 plan that meets with the requirements of Local Form No. 9 and that is capable of confirmation.

The fee also contemplates that the counsel will attend the first Meeting of Creditors, all hearings, and will remain counsel of record until the case is either completed or dismissed, unless the Court has issued an order discharging the attorney as counsel of record.

Counsel is expected to file all motions and objections contemplated in the confirmed plan in a timely fashion. Counsel is also expected to file and complete representation without additional charge to the debtor(s) for the duration of the Chapter 13 case.

Counsel shall enter into a written fee agreement, which may provide for future fees in the event of future complications. To the extent those fees exceed \$2000 total, the attorney must still file a fee application. Additional fees may be paid through the Chapter 13 plan.

Nothing in this rule shall preclude additional fees being awarded by the court after the filing of a fee application.

Procedure #4 - Distribution Under Plans and Objections to Claims

1. After the filing of a plan and prior to confirmation of such plan, the trustee is authorized to make distribution of the designated monthly payments on secured non-tax claims, attorney's fees, and utility accounts.

2. The distribution of any proceeds pursuant to a confirmed plan shall be mailed to the address of the creditor as designated pursuant to Fed.R.Bankr.P. 2002(g).

3. Following confirmation of a plan, the Chapter 13 Trustee shall make distribution to secured and priority creditors in accordance with the terms of the plan. Claims identified in the plan or proofs of claim filed shall be treated for distribution purposes as follows:

(a) after the filing of a plan and prior to confirmation of such plan, the Chapter 13 Trustee is authorized to make distribution of the designated monthly payments on secured non-tax claims, attorney's fees, and utility accounts;

(b) the debtor or debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days of the claims bar date. Absent an objection, the proof of claim will govern as to the classification and amount of the claim.

4. Failure of an unsecured creditor to file a claim shall inure to the benefit of the other unsecured creditors in the same class. The Chapter 13 Trustee shall increase the percentage to be paid accordingly, provided that payments shall not exceed 100 percent of the total amount of the allowed unsecured claims (unless interest is provided in the plan for such claims). Distributions to unsecured creditors shall be made on a pro rata basis as calculated by the Chapter 13 Trustee and not on a per capita basis.

5. The Chapter 13 Trustee is authorized to amend monthly payments to mortgage holders where required by floating interest rates or changes in the insurance and tax escrow payments, provided that the mortgage company has given notice to the debtor and the debtor has not filed and served an objection within seventeen (17) days.

6. If a secured creditor obtains relief from the automatic stay, the Chapter 13 Trustee shall suspend distributions to all creditors with claims secured by the collateral released from the automatic stay, following the Chapter 13 Trustee's receipt of notice of the grant of relief. However, the Chapter 13 Trustee shall continue to make distribution to other creditors in accordance with the terms of the plan.

7. In the event of conversion or dismissal following the confirmation of a plan, then the Chapter 13 Trustee shall distribute all funds received prior to the effective date of the conversion or dismissal, in accordance with the terms of the confirmed plan.

8. In the event that a plan is not confirmed, then the trustee shall refund all payments to the debtor if the case is dismissed, or to the Chapter 7 trustee if the case is converted, provided that the Chapter 13 trustee may retain an administrative fee for twenty-five dollars (\$25.00) or the United States Trustee's prevailing percentage fee, whichever is greater, for payment to the chapter 13 fee and expense fund, in payment of the costs incurred in administering the case. This amount may be adjusted by the Court from time to time or in unusual cases.

Procedure #5 - Additional Requirements

In all cases where the debtor owns real estate or operates a business, a search of public records in any county in which the debtor owns real estate or conducts business shall be conducted in advance of the filing of the petition. Verification of that search shall be made by the debtor's attorney through a statement filed with the bankruptcy schedules.

Procedure #6 - Motions to Dismiss or Convert

A. Content of Motion

A motion to dismiss a voluntary petition shall set forth the reasons for the dismissal. The motion shall also set forth whether any arrangement or agreement has been made with any creditor or other person in connection with such motion to dismiss and the terms thereof.

B. List of Creditors

Any motion by a debtor for dismissal of a voluntary petition shall be accompanied by a list containing the name and complete mailing address of any creditor not previously scheduled, including any creditor who has extended credit since the date of filing of the petition and who remains unpaid at the time of the motion. If there is no such creditor, the motion shall so state.

C. Procedures With Respect to Motions to Dismiss or Convert

1. A motion filed by a party other than the debtor to convert or dismiss a Chapter 13 case shall be scheduled initially for a hearing before the presiding judge on a Chapter 13 motions day.
2. Upon the filing by the Chapter 13 Trustee of a Certificate of Default Recommending Dismissal of Case based upon plan payment defaults, the debtor shall file and serve a written response accompanied by documentation that at least one full plan payment was sent to the Chapter 13 Trustee's lock box after the date of the Certificate of Default.

(a) The debtor's failure to respond in accordance with the requirement of the order will result in the dismissal of the case without a hearing.

(b) The response must set forth in detail the basis for denial of the Chapter 13 Trustee's request for dismissal and any prospective plan changes designed to cure the existing default. Proof of one full plan payment must be attached to any response, including an amended plan.

(c) If the response proposes that additional payments will be made prior to the hearing scheduled on the motion, verification of such payments must be made to the Court contemporaneously with delivery of payment to the Chapter 13 Trustee.

(d) If the response indicates that the plan payment is to be increased in order to cure the existing default, the new payment must be identified in the response and the plan shall be deemed amended as of the date of the response to include the adjusted payment.

(e) If the response expresses the debtor's intent to amend the plan other than by a payment increase, the amended plan is to be filed along with the response and served on all parties in interest. Upon the filing of the amended plan, the Court shall cancel the hearing previously set for consideration of the Chapter 13 Trustee's request for dismissal and a conciliation conference and plan confirmation hearing will be scheduled. If the debtor fails to make any plan payment prior to the conciliation conference and plan confirmation hearing, on Supplemental Certificate of Default filed and served by the Chapter 13 Trustee the case will be dismissed and the hearing cancelled.

Procedure #7 - Postconfirmation Matters

1. Notwithstanding any provision in a Chapter 13 plan revesting property of the estate in the debtor, all sales of real and personal property shall be conducted in accordance with the Federal Rules of Bankruptcy Procedure and Local Rules. The notice of sale must state the proposed disposition of sale proceeds.
2. Any postpetition extensions of credit sought by the debtor shall be in the form of a motion subject to the Federal Rules of Bankruptcy Procedure and Local Rules. Such motion shall be served on the Chapter 13 Trustee and all parties in interest.
3. A motion seeking real estate/mortgage financing shall include the following information:
 - (a) identity of the property that is subject to the financing;
 - (b) identity of the source of funds;

- (c) a description of the terms of the financing including:
 - (i) whether it will be the first mortgage on the subject property;
 - (ii) the amount of principal borrowed;
 - (iii) the interest rate;
 - (iv) the term of the loan and its amortization schedule;
 - (v) the amount of the monthly payment; and
 - (vi) all other material terms of the financing agreement;
- (d) whether the new mortgage financing is to be incorporated into the existing plan or is designed to complete payments under the plan;
- (e) the status of plan payments at the time that the motion is filed;
- (f) if a discharge is sought through the financing, whether the provisions of 11 U.S.C. §1328 are met; and
- (g) the date the loan is expected to close.

4. A motion seeking approval of motor vehicle financing shall include the following:

- (a) the type and cost of vehicle being purchased;
- (b) the source of funds;
- (c) the terms of financing, including:
 - (i) the principal borrowed;
 - (ii) the interest rate;
 - (iii) the term of the loan and its amortization schedule;
 - (iv) the amount of the monthly payment; and
 - (v) all other material terms of the financing agreement;
- (d) how the new payment will be incorporated into the Chapter 13 plan;
- (e) the status of plan payments at the time the motion is filed;
- (f) whether any further plan modification is necessary;
- (g) the date the loan is expected to close;
- (h) if the treatment of other creditors will be changed as a result of this financing, a statement of the rationale and underlying facts in support of that change;
- (i) if the plan payment is to be changed as a result of the financing, sufficient facts to demonstrate the feasibility of the plan amendment;
- (j) whether the standards of 11 U.S.C. §1325(b) are met; and
- (k) whether and when an amended plan will be filed.

Procedure #8 - Pleading Special Matters in Motions

In Chapter 13 cases a motion for relief from stay shall include:

1. an itemized statement of the prepetition default and the amount necessary to cure as of the bankruptcy filing date;
2. a separate itemized statement of the postpetition defaults;
3. an attachment in the form of a Document and Loan History Abstract (Local Form No.28);
4. a statement of the fair market value of the collateral and the basis of the opinion;
5. whether the debtor has equity in the property; and
6. all other grounds for relief.

Procedure #9 - Notice of Monthly Payment Changes

All notices of post petition monthly payment changes must be served on the debtor, debtor's counsel and the Trustee. This applies not only to the mortgage changes but to any monthly payment currently being paid by the Trustee. The Trustee will not implement and the Court will not enforce a default order increasing the periodic plan payment without the affirmative consent of the Trustee. Default orders shall set a 15 day deadline that requires the debtor to propose an amended plan containing the payment change or to certify that the existing plan payment is sufficient.

The debtor's counsel (or debtor if pro se) will be responsible for proposing an amended plan including the increased monthly payment if the monthly payment change results in the under-funding of the plan. In the event that the monthly payment change does not result in the under-funding of the plan, debtor's counsel (or debtor if pro se) must file a declaration that he has reviewed the existing plan, recomputed the plan payment, and finds that the existing payment is sufficient to fund the plan even with the new debt added.

Procedure #10 - Proofs of Assignment-Secured and Priority Claims

1. Whenever the Trustee receives notice from an assignor or transferee that a claim has been transferred or whenever the Trustee receives a returned check or any other statement from the creditor indicating that the account has been paid in full, assigned or that the recipient being paid is not owed the claim, the Trustee will promptly place all funds intended for that creditor on reserve.
2. No funds will be distributed to any purported assignee or transferee without a transferred proof of claim filed in accordance with Fed.R.Bankr.P. 3001 (e) and notice issued in accordance therewith by the Clerk of Bankruptcy Court with an opportunity to object.
3. The transferred proof of claim shall contain sufficient information as to instruct the Chapter 13 Trustee and debtor as to the case number, the claim to be paid, the nature of the collateral supporting the claim and the appropriate address for payment. The assignee or transferee shall attach all assignments and authorizations for loan service applicable to the transfer in order to support the claim. The debtor, debtor's counsel and the trustee shall all be served with copies of the transfer.
4. Paragraph 4 is Reserved.

Procedure #11 - Service on Chapter 13 Trustee

Filers shall not serve the Chapter 13 trustee with a paper copy of any document filed with the Court including hearing notices. The Clerk sends an electronic file to the Chapter 13 trustee each day that contains documents filed in all cases in which the Chapter 13 trustee is a party. The Chapter 13 trustee does not receive e-mails of case activity by means of the Court's electronic filing system. Filing Users should disregard the statement on the Notice of Electronic Filing that implies that the Chapter 13 trustee will not receive electronic notification.

Procedure #12 - Continued Conciliation Conferences

The case docket shall reflect the time, date, and location of any rescheduled Chapter 13 conciliation conference date that is continued by the Chapter 13 trustee during the conference. Generally, parties must review the case docket to determine if an entry has been made rescheduling the conciliation conference. Attorneys filing electronically in a case shall receive in electronic form a Notice of Electronic Filing from the Clerk that includes the docket entry reflecting the continued time, date and location of the conciliation conference.

This procedure will apply only to plan conciliation conferences continued at the 341 meeting. In the event that parties wish to file objections to the plan, the deadline date will appear in the docket entry.

Procedure #13 - Wage Orders in Chapter 13 Cases

A. Standard Wage Attachment Motion and Order: When the Standing Chapter 13 Trustee or the Chapter 13 debtor files a motion for a wage attachment order, the motion must substantially conform to the Ex Parte Motion for Order to Pay Trustee Pursuant to Wage Attachment and include an Order to Pay Trustee Pursuant to Wage Attachment.

B. Single Debtor: When a bankruptcy case is filed by one debtor, "Motion No. WO-1" shall be included in the caption of the Motion for Wage Attachment and the proposed order. Any motion to amend shall include "Motion No. WO-1" in the caption.

C. Joint Debtors: When a joint case is filed, the name of the debtor whose wages are to be attached shall be stated in the caption of the motion and in the proposed order. "Motion No. WO-1" shall be included in the caption of the first joint debtor requesting a wage attachment. "Motion No. WO-2" shall be included in the caption of a subsequent motion requesting a wage attachment filed by the other joint debtor.

D. Amendments of Motions for Wage Attachment:

1. Any motion to amend a wage attachment must be at the original motion number for the first or second joint debtor (WO-1 or WO-2) and shall be marked "Amended Motion for Wage Attachment" in the caption.

2. Any motion to amend the amount of the wage deduction shall request only an increase in the amount to be attached.

E. More than One Employer: If a debtor has more than one employer, separate wage attachment motions and proposed orders granting the requested relief must be filed for each employer from whom wages are to be attached. A motion naming more than one employer as a respondent will be dismissed without prejudice for failure to comply with this Local Rule.

F. Calculation of Dollar Amount of the Attachment: If the payroll period is unknown, use monthly basis. If the payroll period is known, calculate as follows:

Weekly
(52 pays/year) amount to be attached multiplied by 12 then divided by 52 (round upwards)

Biweekly
(every 2 weeks = 26 pays/year) amount to be attached multiplied by 12 then divided by 26 (round upwards)

Semi-monthly
(twice each month = 24 pays/year) amount to be attached divided by 2 (round upwards)

LOCAL BANKRUPTCY FORM NO. 11

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Bankruptcy No.
Debtor(s)	:	
	:	Chapter 13
Trustee, and Debtor(s), Movants	:	
	:	Motion No. <input type="checkbox"/> WO-1
	:	Motion No. <input type="checkbox"/> WO-2
v.	:	
	:	
Respondent(s)	:	

EX PARTE MOTION FOR ORDER TO PAY TRUSTEE PURSUANT TO WAGE ATTACHMENT

_____, Chapter 13 Trustee, and the Debtor respectfully represent as follows:

1. A Chapter 13 case was filed.
2. It appears that the Debtor receives regular income which may be attached under 11 U.S.C. §1326 to fund the Chapter 13 Plan.
3. The likelihood of success in the case will be much greater if the Debtor's income is attached to fund the plan.

WHEREFORE, the Chapter 13 Trustee and/or the Debtor respectfully request that this Court enter an Order to Pay Trustee in the form attached.

Signature of Chapter 13 Trustee or Attorney for Debtor(s)

Typed Name of Chapter 13 Trustee or Attorney for Debtor(s)

Address of Chapter 13 Trustee or Attorney for Debtor(s)

Phone No. and Pa. I.D. No. of Chapter 13 Trustee or Attorney for Debtor(s)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Bankruptcy No.
	:	
	:	Chapter 13
Standing Chapter 13 Trustee and Debtor(s),	:	
Movants	:	Motion No. <input type="checkbox"/> WO-1
	:	Motion No. <input type="checkbox"/> WO-2
v.	:	
	:	
Respondent(s)	:	

ORDER TO PAY TRUSTEE PURSUANT TO WAGE ATTACHMENT

The above-named Debtor(s) having filed a Chapter 13 petition and Debtor(s) or Trustee having moved to attach wages to fund the Chapter 13 Plan:

IT IS, THEREFORE, ORDERED that until further order of this Court, the entity from which the Debtor receives income:

shall deduct from that income the sum of \$ _____, beginning on the next pay day following receipt of this order and shall deduct a similar amount each pay period thereafter, including any period for which the Debtor receives a periodic or lump sum payment as a result of vacation, termination, or other benefit arising out of present or past employment, or from any other benefits payable to the Debtor, and shall remit the deducted sums ON AT LEAST A MONTHLY BASIS to:

RONDA J. WINNECOUR
CHAPTER 13 TRUSTEE, W.D. PA.
POB 1132
MEMPHIS, TN 38101-1132

IT IS FURTHER ORDERED that the above-named entity shall notify the Chapter 13 Trustee if the Debtor's income is terminated and the reason therefore.

IT IS FURTHER ORDERED that the Debtors shall serve this order and a copy of the Notification of Debtor's Social Security Number, Local Form No. 12, that includes the debtor's full social security number on the above-named entity. Debtor shall file a certificate of service regarding service of the order and local form, but the social security number shall not be included on the certificate. (note: emphasis added)

IT IS FURTHER ORDERED that all remaining income of the Debtor, except the amounts required to be withheld for taxes, social security, insurance, pension, or union dues shall be paid to the Debtor in accordance with usual payment procedures.

IT IS FURTHER ORDERED THAT NO OTHER DEDUCTIONS FOR GARNISHMENT, WAGE ASSIGNMENT, CREDIT UNION, OR OTHER PURPOSE SHALL BE MADE FROM THE INCOME OF DEBTOR WITH THE SOLE EXCEPTION OF ANY SUPPORT PAYMENTS.

IT IS FURTHER ORDERED that this order supersedes previous orders made to the above-named entity in this case.

IT IS FURTHER ORDERED that the above-named entity shall not charge any fee to the Debtor for the administration of this attachment order, except as may be allowed upon application to and order of this Court.

DATED this _____ day of _____, _____.

United States Bankruptcy Judge

LOCAL BANKRUPTCY FORM NO. 12

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

IN RE)	Bankruptcy No. _____
)	
)	Chapter _____
)	
Debtor(s))	Related to Document No. _____
)	
)	

Notification of Debtor's Social Security Number

Name of employer or other party subject to wage attachment:

Debtor's name:

Debtor's nine digit social security number: __ __ __ - __ __ - __ __ __ __

Debtors address:

Debtors phone number:

This notification is accompanied by a Wage Attachment Order issued by a United States Bankruptcy Judge regarding attachment of the debtor's wages. The debtor's social security number is being provided to assist in complying with the court order.

Date: _____

Signature: Attorney for Debtor(s) [or pro se Debtor(s)]

(Typed Name)

(Address)

(Phone No.)

List Bar I.D. and State of Admission